



Docket No.: 219418US3

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

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RE: Application Serial No.: 10/068,838
Applicants: Takashi TANAKA, et al.
Filing Date: February 11, 2002
For: APPARATUS AND METHOD FOR FORMING
COATING FILM
Group Art Unit: 1762
Examiner: JOLLEY, K

SIR:

Attached hereto for filing are the following papers:

PROVISIONAL ELECTION

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE



IN RE APPLICATION OF :
TAKASHI TANAKA ET AL : EXAMINER: JOLLEY, KIRSTEN
SERIAL NO: 10/068,838 :
FILED: FEBRUARY 11, 2002 : GROUP ART UNIT: 1762
FOR: APPARATUS AND METHOD FOR :
FORMING COATING FILM

PROVISIONAL ELECTION

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SIR:

In response to the election requirement dated Oct. 31, 2003, Applicants provisionally elect with traverse the species of Figures 6A-6C, 6E, and identify Claims 1-5 and 9-12 as corresponding to the elected species. Applicants reserve the right to file one or more divisional applications directed to the non-elected species.

The Election Requirement asserts that the application contains claims to patentably distinct species. However, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action does not identify search classifications, it is believed that the field of search for the various species is overlapping, and that the claims of the present application would have to be searched in only a handful of sub-classes.

Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort.

Accordingly, Applicants respectfully traverse the Election Requirement on the grounds that a

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Reply to Office Action of October 31, 2003

search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain two separate applications for the identified species.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-12 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

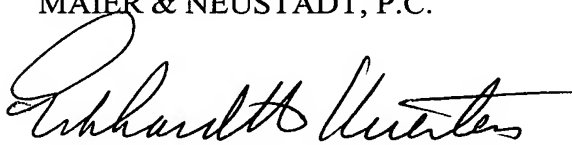
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(OSMMN 08/03)



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